



Friday, November 21, 2014

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Calfee:

On behalf of the undersigned organizations, we would like to thank you for the opportunity to comment on the *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743*. We respectfully submit the following recommendations for your consideration.

General Comments:

Air emissions & Public Health: Even though the proposed Guidelines specify that potential impacts from transportation, such as air quality, will continue to be analyzed under CEQA, we urge OPR to more comprehensively analyze the links between VMT approaches to transportation analysis and adverse health impacts due to air emissions. Planners and transportation activists widely acknowledge that reducing VMT through methods such as active transportation can significantly benefit the health of pedestrians, bicyclists and transit users. However, less emphasis is given to the unintended consequences of rapidly densifying an area that already has high levels of air emissions.

The links between traffic congestion, air pollution and health are obvious. Poor air quality and high levels of particulate matter is associated with asthma, lung cancer, and cardiovascular disease. It has also been identified as one of the leading causes of death in Los Angeles. A recent study by the Massachusetts Institute of Technology and the MIT Center for Advanced Urbanism assessed whether creating a more multi-modal transit system and increasing dense TOD, would have positive environmental and health outcomes in LA. They concluded that to be successful, any attempt to create compact urban spaces with a multi-modal transit systems had to place air quality as its primary urban design

parameter or fail due to poor health outcomes.¹ We strongly urge OPR to further assess the public health consequences of a VMT approach to transportation assessment.

Low-income residents & VMT: Low-income residents are more likely to be core transit riders than higher income residents. This holds especially true in TOD areas where researchers are finding that while transit use increases for all income groups in TOD areas, low-income riders consistently have the highest share of non-car commuting.² Researchers are now documenting how public infrastructure investments in low-income areas are having the adverse effect of fueling the displacement of low-income residents pushing them farther away from transit accessibility and increasing their VMT. We strongly urge OPR to further assess the impacts of physical or economic displacement of low-income residents, especially in TOD areas where research has found the greatest link. Failure to do so could undermine the State's climate change goals with the decreases in transit ridership and increases in VMT.

Comments by subdivision:

15064.3(a): Increased VMT generation associated with the physical project site should not be the sole consideration with regard to transportation impacts analysis. It is critical, in order to fully capture the potential impacts of a project, to also take into account any increases in VMT produced by either physical or economic displacement associated with a particular project. Alternatively, displacement could be used as a stand-alone measure of impact, particularly for projects located near transit, as displacing residents from areas located close to transit lessens their ability to utilize the transit system efficiently and effectively.

Two physically similar projects which would result in similar VMT generation on-site may produce extremely different environmental impacts when displacement of existing project-area residents is taken into account. This is not only the case where physical displacement occurs as a result of the removal of dwelling units, but is also true where a project may cause a rise in property values in a transit-rich area traditionally serving low-income residents. Studies have shown that lower-income residents living near transit are far more likely to utilize that transit than their higher-income neighbors. This implies that where investment near transit causes rents in a particular area to rise, displacing low-income residents, transit ridership will suffer as a result. This leads to increased VMT generated by higher-income residents subsequently moving into an area, and these predictable effects of a project should be taken into account when evaluating a project's transportation impacts.

15064.3(b)(1): The use of a "regional average" as a baseline for VMT is potentially problematic, given that no definition of the "region" for which this average would be calculated is provided. A project may significantly exceed the local average for VMT without

¹ Massachusetts Institute of Technology and the MIT Center for Advanced Urbanism. *Report on the State of Health and Urbanism*. 2013

² California Housing Partnership Corporation. *Building and Preserving Affordable Homes Near Transit: Affordable TOD as a Greenhouse Gas Reduction and Equity Strategy (CHPC Working Paper)*. 2013

ever approaching the regional average. This is particularly true in TOD areas, where these updates are meant to be implemented, as areas with access to public transit are extremely likely to experience local averages which are relatively low for the region in which they are situated. It is conceivable that a particular project could increase VMT locally, resulting in negative environmental and health impacts for a neighborhood, while remaining below the regional average VMT. This section's statement that "...projects that locate within one-half mile of an existing major transit stop... may be considered to have a less than significant transportation impact" is both legally and scientifically questionable, and could lead to perverse results as well as potential litigation around significance determinations. A project's integration with local existing transit systems, including its likelihood to be frequented/occupied by transit riders, is critical to this analysis and cannot be simply assumed.

15064.3(b)(2-3): Care should be taken to treat automobile trips generated by bus travel differently than those generated by travel in cars. Along these lines, while safety is important, other factors that may affect transit ridership (while not necessarily affecting the safety of the transit system) should be given weight. Such factors include the convenience of utilizing the transit system and the reliability of the transit system as affected by the project.

15064.3(d): The applicability of these changes solely to projects located within a half-mile of major transit, coupled with the blanket statement that such projects could be considered to have less than significant traffic impacts, has the potential to lead to wholesale approval of projects with respect to traffic impacts with little to no specific analysis of those impacts. While siting a project near transit can be a major factor in whether its impacts will be significant, the assumption that projects will not have transportation impacts by sheer virtue of their location should be reconsidered, as it could weaken CEQA analyses and subject otherwise deserving projects to increased risk of litigation.

Appendix F, Section II (D-E): While it is commendable that the incorporation of affordable housing into a project is recognized as a measure which can act to reduce project-generated VMT, the mere inclusion of affordable units is not enough. In order to be viewed as a mitigation measure for transportation impacts, the inclusion of affordable housing into a project must be significant in order to produce measurable results. Thus, affordable units at a project site should only qualify as a mitigation measure when they meet or exceed the standards set forth in the State Density Bonus Law or similar local programs, and the "credit" given towards mitigation should be proportional to amount or percentage of affordable units included.

Along the same lines, addressing affordable housing through policy and planning projects should be given credit as it is in physical developments. Inclusion in planning policies of measures which incentivize affordable housing near transit should be given considerable weight in determining the potential transportation impacts of such policies. Including community-serving uses in projects close to transit should also be included in the proposed list of mitigation examples. Siting valuable community-serving uses such as childcare, healthcare, and groceries near transit may reduce the VMT generated by a project by

allowing community members to use a single transit trip to accomplish multiple goals. As noted above, lower-income residents are more likely to utilize transit than higher-income residents, and transit-oriented projects which serve this population are therefore less likely to generate increased VMT than, for example, a project incorporating high-end luxury retail. This type of fine-grained analysis is necessary both to ensure that a project's full potential to impact the environment is taken into account, and also to leverage our existing transit systems to the maximum extent achievable in order to reduce VMT and protect our communities.

Appendix G: The initial study checklist should also be revised to reflect the above recommendations. For example, the checklist should examine a project's potential impacts not only on the safety conditions around public transit, but its impact on other factors influencing transit ridership such as convenience and reliability. Other factors which could be assessed on the checklist to more comprehensively address the potential transportation impacts of a proposed project are whether the project may result in displacement, especially of low-income residents and transit riders, and whether the project would result in increased localized air emissions impacting public health.

We look forward to working with the Office of Planning and Research in refining and strengthening the new Guidelines.

Sincerely,

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